

भारत का राजपत्र

The Gazette of India

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EXTRAORDINARY

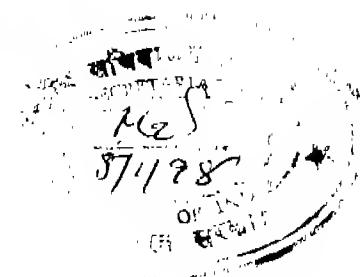
भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में पिछे पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.



RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 28th July, 1997:—

Bill No. XXXIX of 1997

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Eighty-third Amendment) Act, 1997. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 21 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 21A.

"21A. (1) The State shall provide free and compulsory education to all citizens of the age of six to fourteen years.

Right to education.

(2) The right to free and compulsory education referred to in clause (1) shall be enforced in such manner as the State may, by law, determine.

(3) The State shall not make any law, for free and compulsory education under clause (2), in relation to the educational institutions not maintained by the State or not receiving aid out of State funds.”.

Amendment of article 35.

3. Article 35 of the Constitution shall be renumbered as clause (J) of that article and after clause (I) as so renumbered and before the *Explanation*, the following clause shall be inserted, namely:—

“(2) The competent legislature shall make the law for the enforcement of right to free and compulsory education referred to in clause (I) of article 21A within one year from the commencement of the Constitution (Eighty-third Amendment) Act, 1997:

Provided that a provision of any law relating to free and compulsory education in force in a State immediately before the commencement of the Constitution (Eighty-third Amendment) Act, 1997 which is inconsistent with the provisions of article 21A, shall continue to be in force until amended or repealed by a competent legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier.”.

Omission of article 45.

4. Article 45 of the Constitution shall be omitted.

Amendment of article 51A.

5. In article 51A of the Constitution, after clause (j), the following clause shall be added, namely:—

“(k) to provide opportunities for education to a child between the age of six and fourteen years of whom such citizen is a parent or guardian.”.

STATEMENT OF OBJECTS AND REASONS

The founding fathers of our Constitution made a provision imposing an obligation, under article 45 in Part IV relating to the Directive Principles of State Policy, upon the State to endeavour to provide within a period of ten years from the commencement of the Constitution, for free and compulsory education for children up to fourteen years of age. However, this goal has proved elusive so far. Our inability to achieve this goal 37 years after the target period has been a cause for serious concern. Reiterating the constitutional directive, the National Policy on Education (NPE), 1986, as modified in 1992, states that free and compulsory elementary education of satisfactory quality shall be provided to all children up to the age of fourteen years before we enter the 21st century. The Supreme Court in its judgment in *Unni Krishnan J.P. vs. State of Andhra Pradesh, A.I.R. 1993 S.C. 2178*, has held that children of this country have a fundamental right to free education until they complete the age of fourteen years. The Common Minimum Programme of the United Front Government, resolves to make right to free and compulsory elementary education a fundamental right and to enforce it through suitable statutory measures.

2. The Committee of Education Ministers which was set up to examine the implications of the aforesaid resolution have recommended that the Constitution be amended to make the Right to Free and Compulsory Education from six to fourteen years of age as a fundamental right and to make a fundamental duty of parents to provide opportunities for education to their children of this age group. Consequent thereupon, provision in the nature of compulsory and free education as a Directive Principles of State Policy under article 45 is no more required. States and Union territories would be required to enact laws for the enforcement of free and compulsory education within one year from the commencement of the Constitution (Eighty-third Amendment) Act, 1997.

3. The amendment of the Constitution to provide for compulsory education of children as a fundamental right would demonstrate the necessary political will and administrative resolve of the country to achieve Universalisation of elementary education and to eradicate illiteracy. This historical amendment of the Constitution in the 50th year of our independence should inspire the Nation to meet the daunting challenge of achieving the goal of education for all by 2000 AD.

4. The Bill seeks to achieve the above objects.

S. R. BOMMAI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new article 21A in the Constitution of India to provide that the State shall provide free and compulsory education to all citizens of the age of six to fourteen years.

2. The estimated financial expenditure to implement the aforesaid obligation is forty thousand crore rupees during the next five years. The estimated annual expenditure will be eight thousand crore rupees. The said expenditure shall be shared by the Union and the States on the basis of sharing arrangements to be determined by a group of experts constituted for the purpose by the Ministry of Human Resource Development.

3. No other recurring or non-recurring expenditure is likely to be involved.

S.S. SOHONI,
Secretary-General.